

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201802773	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 03/29/2018 5:10 AM	Location of Incident: § 87(2)(b)	Precinct: 66	18 Mo. SOL 9/29/2019	EO SOL 9/29/2019	
Date/Time CV Reported Thu, 03/29/2018 6:21 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/09/2018 11:06 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jovaniel Cordova	5870	946459	WARRSEC
2. DT3 Patrick Dooley	2129	944518	WARRSEC
3. DT3 Jason Sanchez-Escobar	4432	947452	WARRSEC
4. An officer			WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Greg Desideri	5887	945663	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Jovaniel Cordova	Abuse: Detective Jovaniel Cordova entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.DT3 Jovaniel Cordova	Discourtesy: At § 87(2)(b) in Brooklyn, Detective Jovaniel Cordova spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.DT3 Jovaniel Cordova	Force: At § 87(2)(b) in Brooklyn, Detective Jovaniel Cordova used physical force against § 87(2)(b)	§ 87(2)(b)
D.DT3 Patrick Dooley	Force: At § 87(2)(b) in Brooklyn, Detective Patrick Dooley used physical force against § 87(2)(b)	§ 87(2)(b)
E.DT3 Jason Sanchez-Escobar	Discourtesy: At § 87(2)(b) Detective Jason Sanchez-Escobar spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F.DT3 Jason Sanchez-Escobar	Discourtesy: In front of § 87(2)(b) Detective Jason Sanchez-Escobar spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.DT3 Jason Sanchez-Escobar	Force: In front of § 87(2)(b) Detective Jason Sanchez-Escobar used physical force against § 87(2)(b)	§ 87(2)(b)
H. An officer	Discourtesy: At § 87(2)(b) an officer spoke discourteously to an individual.	§ 87(2)(b)

## Case Summary

On March 29, 2018, Lieutenant Erica Marcus of the Warrants Section filed this complaint with the Internal Affairs Bureau via telephone on behalf of § 87(2)(b). On April 9, 2018, the Civilian Complaint Review Board received this complaint under IAB original log #18-12079.

On March 29, 2018, at approximately 5:10 a.m., Detective Jovaniel Cordova of the Warrants Section entered § 87(2)(b) in Brooklyn (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Cordova allegedly told § 87(2)(b) to “get on the fucking floor” (**Allegation B: Discourtesy**, § 87(2)(g)). Det. Cordova ran towards § 87(2)(b) brought him down to the ground, and punched him five to six times on the left side of his face (**Allegation C: Force**, § 87(2)(b)). Detective Patrick Dooley of the Warrants Section assisted Det. Cordova in physically restraining § 87(2)(b) (**Allegation D: Force**, § 87(2)(g)). Detective Jason Sanchez-Escobar of the Warrants Section allegedly told § 87(2)(b) to “back the fuck up” (**Allegation E: Discourtesy**, § 87(2)(g)). After Det. Sanchez-Escobar and Detective Greg Desidiri of the Warrants Section placed § 87(2)(b) in a police vehicle, Det. Sanchez-Escobar allegedly said, “You think you’re fucking tough” twice (**Allegation F: Discourtesy**, § 87(2)(g)) and allegedly slapped § 87(2)(b) in the face (**Allegation G: Force**, § 87(2)(g)). After arriving at the § 87(2)(b) an officer allegedly said, “I’m not taking the fucking handcuffs off,” to a nurse regarding § 87(2)(b)’s handcuffs (**Allegation H: Discourtesy**, § 87(2)(g)).

The investigation did not obtain any video evidence in this case.

## Findings and Recommendations

### **Allegation A – Abuse of Authority: Detective Jovaniel Cordova entered § 87(2)(b) in Brooklyn.**

The following account of events is undisputed: On March 29, 2019, at approximately 5:10 a.m., § 87(2)(b) was sleeping at the residence of his girlfriend, § 87(2)(b) at § 87(2)(b) in Brooklyn. § 87(2)(b) was awakened by Det. Cordova knocking on the front door. Det. Cordova and Det. Dooley were at the front door of the apartment. Det. Sanchez was assigned to watch the front door of the building, while Det. Desideri was assigned to watch the rear courtyard. § 87(2)(b) answered the door while § 87(2)(b) was out of view of the front door of the apartment, and § 87(2)(b) remained out of view of the front door until Det. Cordova’s later entry into the apartment. Det. Cordova told § 87(2)(b) that he had a parole warrant for § 87(2)(b). § 87(2)(b) refused to allow Det. Cordova into the apartment. At some point during Det. Cordova’s conversation with § 87(2)(b) Det. Desideri transmitted over the radio that he observed that § 87(2)(b) was in the apartment, and that § 87(2)(b) had attempted to come out of a window. Det. Cordova told § 87(2)(b) that he needed to search the apartment for § 87(2)(b) because he knew that § 87(2)(b) was inside. The officers did not have a search warrant for the apartment. § 87(2)(b) continued to deny Det. Cordova permission to enter, but Det. Cordova and Det. Dooley entered nonetheless.

In a follow-up statement to his CCRB interview, § 87(2)(b) testified that he was in the bathroom while § 87(2)(b) spoke with Det. Cordova (BR01). § 87(2)(b) denied going anywhere near any of the windows of the apartment. Det. Desideri recounted that he saw § 87(2)(b) open the curtains at the rear window and place his hands atop the window frame (BR12). However, § 87(2)(b) closed the curtains once he saw Det. Desideri outside.

Det. Cordova recounted that, on an unknown date in 2017, he was a member of a team of Warrant Squad officers who visited § 87(2)(b)'s address while searching for § 87(2)(b) (BR02). On that occasion, § 87(2)(b) eluded the officers by exiting through the apartment's rear window. Det. Dooley recounted that he was also present during the incident in 2017, and he explained that none of the officers realized at the time that § 87(2)(b) had escaped from the apartment (BR07). They simply entered the apartment and left a business card with a woman inside whom Det. Dooley believed was § 87(2)(b)'s wife. § 87(2)(b) later used the card to call Det. Dooley and taunt him for letting him escape.

Det. Cordova recounted that, on the date of the incident, he and the other officers were assigned to a team in which Warrant Squad officers assist in apprehending individuals with active parole warrants (BR02). Det. Cordova was the primary investigator assigned to § 87(2)(b)'s case. Det. Cordova could not recall if the parole warrant for § 87(2)(b) listed § 87(2)(b) in Brooklyn as § 87(2)(b)'s address. However, Det. Cordova recalled § 87(2)(b)'s escape from the address in 2017, and therefore was aware that § 87(2)(b) had resided at § 87(2)(b)'s apartment in the past. Det. Cordova also recalled searching § 87(2)(b)'s arrest history and DMV record, both of which showed § 87(2)(b)'s address as § 87(2)(b). Det. Cordova could not recall any additional searches that he performed. Det. Cordova could not recall if any of those searches indicated a recent date when § 87(2)(b) listed the address for himself.

The investigation was unable to obtain the parole warrant, as it was cancelled after the officers apprehended § 87(2)(b) during the incident (BR23). The investigation obtained a record of the warrant, which lists § 87(2)(b)'s arrest by Det. Cordova, notes that § 87(2)(b) is in custody, and lists an address on Rikers Island as his residence.

The investigation obtained the DD5 records showing the searches Det. Cordova ran for § 87(2)(b) two days before the incident (BR20). Contrary to Det. Cordova's recollection, the DD5 shows that his DMV search for § 87(2)(b) actually listed an address in § 87(2)(b) as his residence. A TLO search showed the same § 87(2)(b) address as § 87(2)(b)'s residence. The DD5 showed that Det. Cordova found a New York Criminal Justice Agency interview report from 2015 in which § 87(2)(b) provided an address in Brooklyn that was not § 87(2)(b)'s address.

The DD5 confirms that Det. Cordova searched § 87(2)(b)'s arrest history, but it does not indicate which addresses he found for § 87(2)(b) in his arrest history. It shows that, at the time, § 87(2)(b)'s most recent arrests were from March 2017. The CCRB investigation found that § 87(2)(b) was arrested five times in March 2017 (BR21). One of those arrest reports was sealed, one report listed § 87(2)(b) as § 87(2)(b)'s address, and the other three arrest reports listed a different address in Brooklyn as § 87(2)(b)'s residence.

The DD5 also shows that Det. Cordova found that a Domestic Incident Report listing § 87(2)(b) as the perpetrator was prepared on March 24, 2018, only five days before the incident. In the DD5, Det. Cordova noted that the DIR bore § 87(2)(b)'s address. However, the CCRB investigation located the DIR and found that it only listed § 87(2)(b)'s address as her residence (BR22). In fact, the report did not list a residence for § 87(2)(b). In addition, it specifically indicated that § 87(2)(b) did not live with § 87(2)(b) and that he was her ex-boyfriend.

No other search results listed in the DD5 paperwork indicated that § 87(2)(b) lived at § 87(2)(b) in Brooklyn.

In a later DD5 which Det. Cordova prepared after apprehending § 87(2)(b) he noted that § 87(2)(b) was § 87(2)(b)'s "OLBS address," and the "last known address" of his girlfriend (BR20).

§ 87(2)(g)

A parole warrant alone does not give officers the authority to enter a third-party residence, absent consent or exigent circumstances. Steagald v. United States, 451 U.S. 204 (1981) (BR03).

§ 87(2)(g)

**Allegation B – Discourtesy: At § 87(2)(b) in Brooklyn, Detective Jovaniel Cordova spoke discourteously to § 87(2)(b)**

**Allegation C – Force: At § 87(2)(b) in Brooklyn, Detective Jovaniel Cordova used physical force against § 87(2)(b)**

**Allegation D – Force: At § 87(2)(b) in Brooklyn, Detective Patrick Dooley used physical force against § 87(2)(b)**

During his CCRB interview, § 87(2)(b) recounted that while he was in the bathroom, he heard § 87(2)(b) asking the officers why they were in the apartment (BR04). § 87(2)(b) exited the bathroom and entered the living room, where Det. Cordova, Det. Dooley, and § 87(2)(b) were standing. During his follow-up statement, § 87(2)(b) recounted that he said, “I’m here,” and extended both of his arms out in front of him with both index fingers pointed at Det. Cordova. Det. Cordova ordered § 87(2)(b) to “get on the fucking floor.” Det. Cordova rushed towards § 87(2)(b) performed a forcible takedown of § 87(2)(b) and punched § 87(2)(b) five to six times on the left side of his face causing him to sustain cuts and abrasions near the top of his head and ear. § 87(2)(b) lay on his stomach and brought his arms behind his back. § 87(2)(b) denied resisting the officers. The officers placed § 87(2)(b) in handcuffs and someone turned on the lights in the apartment, which had been off up to this point. After this, Det. Cordova said, “Don’t ever charge at me like that.” § 87(2)(b) told Det. Cordova that he could not charge at him since there was a bed and a wheelchair between them.

Medical records from the incident date indicate that § 87(2)(b) s chief complaint was a headache and that he complained that he was assaulted by officers (privileged document, BR05). The records note that § 87(2)(b) had an abrasion on the left side of his head.

§ 87(2)(b) s testimony was consistent with that provided by § 87(2)(b) (BR06).

Det. Cordova recounted that when he entered the living room, all the lights were off. Directly after Det. Cordova’s entry, § 87(2)(b) who was approximately five feet away from Det.

Cordova, ran towards Det. Cordova with his fists closed, and threatened to kill him. Det. Cordova denied telling § 87(2)(b) to “get on the fucking floor” and denied using any profanity towards him. § 87(2)(b) punched and kicked Det. Cordova and tackled Det. Cordova to the ground, where Det. Cordova landed on his wrist and knee. § 87(2)(b) lay on top of Det. Cordova and continued to punch him. Det. Cordova could not recall how many times § 87(2)(b) punched him. Det. Cordova punched § 87(2)(b) to stop § 87(2)(b) from continuing to punch him. Det. Cordova could not recall where he made contact with § 87(2)(b) as he punched him, nor could Det. Cordova recall how many times he punched § 87(2)(b). Det. Cordova changed positions so that he was leaning on § 87(2)(b). Det. Dooley assisted Det. Cordova as he attempted to handcuff § 87(2)(b) which § 87(2)(b) resisted by stiffening his arms. Eventually, Det. Cordova and Det. Dooley successfully handcuffed § 87(2)(b). Following the incident, Det. Cordova was transported to the hospital and was given an arm brace on his right arm. Det. Cordova and Det. Dooley were both out on line of duty injuries for about a month and a half as a result of this incident.

Det. Dooley recounted that after Det. Cordova entered the apartment, § 87(2)(b) held up his hands high, yelled, and cursed (BR07). Det. Dooley could not recall if § 87(2)(b) extended out his hands. § 87(2)(b) came within a few feet of Det. Cordova and then tackled him to the ground. Det. Cordova did not tell § 87(2)(b) to “get on the fucking floor,” or use any profanity towards him. Once he was on the floor, § 87(2)(b) flailed his legs and threw punches. Det. Dooley took hold of § 87(2)(b)'s arms so that he would stop attempting to throw punches. Det. Dooley sustained a severe contusion to his left knee during the incident and was transported to the hospital afterwards.

The Warrant Section did not provide the CCRB with the LOD injury reports prepared regarding this incident (BR08).

On TRIs prepared regarding this incident, Det. Cordova and Det. Dooley noted that they both sustained minor swelling, contusions, and substantial pain as a result of § 87(2)(b)'s resistance (BR09-10). An ISAR prepared for the incident specified that Det. Cordova sustained a sprain to both his right wrist and his right knee during the struggle with § 87(2)(b) (BR19).

Det. Sanchez-Escobar and Det. Desideri both recounted that they did not arrive at the apartment until after § 87(2)(b) was handcuffed (BR11-12).

§ 87(2)(g)

§ 87(2)(g)

NYPD Patrol Guide Procedure 221-01 states that officers may use force to ensure the safety of a member of service as well as when it is reasonable to place an individual in custody. The level of force must be reasonable under the circumstances and not excessive (BR13).

§ 87(2)(g)

**Allegation E – Discourtesy: At § 87(2)(b) Detective Jason Sanchez-Escobar spoke discourteously to § 87(2)(b)**

§ 87(2)(b) recounted that while § 87(2)(b) was on the floor, she attempted to get Det. Cordova off § 87(2)(b) so that Det. Cordova would stop hitting him. At this time, Det. Sanchez-Escobar entered the apartment and said something to Det. Cordova and Det. Dooley that § 87(2)(b) could not understand. After this, Det. Sanchez-Escobar approached § 87(2)(b) stood in front of her, and extended his arm out at her while saying, “Back the fuck up.” After this, § 87(2)(b) went to the bedroom to get clothing for § 87(2)(b) to wear.

§ 87(2)(b) did not recount any officer saying, “Back the fuck up,” to § 87(2)(b)

Det. Sanchez-Escobar recounted that a few minutes after Det. Desideri reported his sighting of § 87(2)(b) Det. Cordova requested that Det. Sanchez-Escobar and Det. Desideri come into the building. Det. Sanchez-Escobar entered the building and went to the door of the apartment. Det. Sanchez-Escobar denied that he entered the apartment. Det. Cordova and Det. Dooley stood near § 87(2)(b) who was already in handcuffs. § 87(2)(b) was lying down on a cot and made no attempt to interfere with the arrest. Det. Sanchez-Escobar did not say, “Back the fuck up,” to § 87(2)(b) Det. Sanchez-Escobar denied using profanity with § 87(2)(b) and saying anything to her at all.

Det. Cordova recounted that Det. Sanchez-Escobar entered the apartment when Det. Cordova and Det. Dooley handcuffed § 87(2)(b) did not attempt to interfere with the arrest in any way. Det. Sanchez-Escobar did not tell § 87(2)(b) to, “Back the fuck up.”

Det. Dooley recounted that he did not see Det. Sanchez-Escobar have any conversation with § 87(2)(b) nor did Det. Sanchez-Escobar tell her to, “Back the fuck up.”

Det. Desideri recounted that he did not recall § 87(2)(b) being in the apartment or having any involvement in the incident. Det. Desideri did not recall if Det. Sanchez-Escobar entered the apartment, nor did he recall Det. Sanchez-Escobar telling § 87(2)(b) to “back the fuck up.”

§ 87(2)(g)

**Allegation F – Discourtesy: In front of § 87(2)(b) Detective Jason Sanchez-Escobar spoke discourteously to § 87(2)(b)**

**Allegation G – Force: Detective Jason Sanchez-Escobar used physical force against § 87(2)(b)**

During his follow-up statement to the CCRB, § 87(2)(b) recounted that Det. Sanchez-Escobar and Det. Dooley escorted him out of the building and placed him in a police vehicle, and that PO Sanchez-Escobar shackled § 87(2)(b)'s legs to the floor. Det. Sanchez-Escobar said, “You think you’re tough,” while simultaneously slapping him on the left side of his face. PO Sanchez-Escobar said, “Oh. You think you’re fucking tough,” and slapped § 87(2)(b) in the face a second time. § 87(2)(b) did not respond. PO Sanchez-Escobar again said, “Oh. You think

you're fucking tough," while bringing § 87(2)(b) back up to a sitting position. After this, § 87(2)(b) was transported to the 78<sup>th</sup> Precinct stationhouse.

Det. Sanchez-Escobar recounted that Det. Cordova and Det. Dooley escorted § 87(2)(b) out of the apartment, but that Det. Sanchez-Escobar and Det. Desideri placed § 87(2)(b) in their police vehicle. § 87(2)(b) was placed in the vehicle without incident. Det. Sanchez-Escobar denied saying, "Oh. You think you're fucking tough," or using any profanity against § 87(2)(b). Det. Sanchez-Escobar denied slapping § 87(2)(b) or using any force against him.

Det. Desideri's testimony was consistent with that provided by Det. Sanchez-Escobar.

Det. Cordova and Det. Dooley testified that they did not witness officers placing § 87(2)(b) in Det. Sanchez-Escobar's and Det. Desideri's police vehicle. Det. Cordova and Det. Dooley testified that they did not hear Det. Sanchez-Escobar say, "Oh. You think you're fucking tough," nor did they see Det. Sanchez-Escobar slap § 87(2)(b).

§ 87(2)(g)

**Allegation H – Discourtesy: At § 87(2)(b) an officer spoke discourteously to an individual.**

During his follow-up statement to the CCRB, § 87(2)(b) recounted that while he was at the 78<sup>th</sup> Precinct stationhouse, he requested to go to the hospital. Det. Dooley and Det. Sanchez-Escobar transported § 87(2)(b) to the § 87(2)(b). Following § 87(2)(b)'s arrival at the hospital, § 87(2)(b) lay handcuffed on a hospital bed. Det. Dooley sat in a chair while Det. Sanchez-Escobar sat around. A nurse told Det. Dooley that he had to remove the handcuffs from § 87(2)(b). Det. Dooley said, "I'm not taking the fucking handcuffs off. He assaulted one of my officers." The nurse told Det. Dooley that according to hospital policy the handcuffs had to be removed, but Det. Dooley insisted on keeping § 87(2)(b) in handcuffs and then walked away. § 87(2)(b) provided no additional description or identifying information for the nurse.

Det. Dooley recounted that he did not go with § 87(2)(b) to the hospital and so did not speak with any of the attending nurses or use profanity with them. Det. Dooley denied saying, "I'm not taking the fucking handcuffs off."

Det. Sanchez-Escobar recounted that he and Det. Desideri transported § 87(2)(b) to the § 87(2)(b) where they informed hospital staff that they were not going to remove the handcuffs from § 87(2)(b). Det. Sanchez-Escobar denied saying, "I'm not taking the fucking handcuffs off. He assaulted one of my officers," and did not hear Det. Desideri say this.

Det. Desideri's testimony was consistent with that provided by Det. Sanchez-Escobar.

Det. Cordova testified that he did not go to the hospital with § 87(2)(b).

Det. Dooley is a § 87(2)(b)

Det. Desideri is a § 87(2)(b)

While Det. Dooley and Det. Desideri generally have similar pedigree information, given that Det. Dooley has blonde hair and Det. Desideri has black hair, it is unlikely that § 87(2)(b) would have mistaken Det. Desideri for Det. Dooley.

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR14).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR15).
- Det. Cordova has been a MOS for 11 years and has been subject in eight CCRB complaints and 24 allegations.
  - Det. Cordova has had three entry and/or search allegations pleaded against him. One of these was exonerated, and two of these were substantiated (noted below).
  - Det. Cordova has had four Discourtesy – Word allegations pleaded against him. One of these was closed as Alleged Victim Uncooperative, one was closed as Complainant Uncooperative, one was unsubstantiated, and one was unfounded.
  - Det. Cordova has had two Force – Physical allegations pleaded against him, both of which were unsubstantiated.
  - Among the allegations made against Det. Cordova, two were substantiated:
  - Case #201301007 involved a substantiated entry allegation. The Board recommended Instructions and the NYPD imposed no penalty.
  - Case #201606975 involved a substantiated entry and search allegation. The Board recommended Command Discipline B and the NYPD imposed Command Level Instructions.
- Det. Dooley has been a MOS for 11 years and has been subject in six CCRB complaints and 15 allegations.
  - Det. Dooley has had two Force – Physical force allegations pleaded against him, both of which were exonerated.
  - Among the allegations made against Det. Dooley, two were substantiated:
  - Case 201210151 involved a substantiated entry and search allegation. The Board recommended Charges and the NYPD imposed Formalized Training.
  - Case #201606975 involved a substantiated entry and search allegation. The Board recommended Command Discipline B and the NYPD imposed Command Level Instructions.
- Det. Sanchez-Escobar has been a MOS for 10 years and this is the first CCRB complaint to which he has been a subject.

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of October 23, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR16).
- § 87(2)(b)



§ 87(2)(b)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

- According to OCA, § 87(2)(b) has no history of convictions in New York City (BR18).

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Squad: 5

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date